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Filing date: **07/31/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91208639
Party	Plaintiff Boston Red Sox Baseball Club Limited Partnership
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Signature	/Aryn M. Emert/
Date	07/31/2014
Attachments	WALLY - MOTION TO AMEND AND CERTIFICATE OF SERVICE.pdf(76166 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/350,447  
Filed: June 20, 2011  
For Mark: WALLY and Design  
Published in the Official Gazette: July 3, 2012

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BOSTON RED SOX BASEBALL CLUB :  
LIMITED PARTNERSHIP, :  
:  
Opposer, :  
:  
v. :  
:  
CITY OF DEER PARK, TEXAS, :  
:  
Applicant. :  
:  
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Opposition No. 91208639

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**MOTION ON CONSENT TO AMEND APPLICATION AND,  
IF ACCEPTED, TO WITHDRAW THE OPPOSITION ON CONSENT**

Pursuant to Rule 2.133 of the Trademark Rules of Practice, Applicant respectfully requests that the above-captioned application be amended by adding the bolded language “; **all the foregoing not relating to baseball or softball or a baseball or softball team, baseball or softball league, baseball or softball team mascot or baseball or softball stadium**” to the end of the description of goods, which should now read:

**BROCHURES, BOOKLETS, AND TEACHING MATERIALS TO INSTRUCT CITIZENS AND PROVIDED SAFETY INFORMATION REGARDING SHELTER IN PLACE AND CHEMICAL RELEASE; ALL THE FOREGOING NOT RELATING TO BASEBALL OR SOFTBALL OR A BASEBALL OR SOFTBALL TEAM, BASEBALL OR SOFTBALL LEAGUE, BASEBALL OR SOFTBALL TEAM MASCOT OR BASEBALL OR SOFTBALL STADIUM** in International Class 16

It is respectfully submitted that this amendment does not require republication as the amendment of the description of goods narrows rather than broadens the scope of the application.

This amendment is made pursuant to an Agreement between Applicant and Opposer, who has consented to this amendment. If the amendment is approved by the Board, Opposer, with Applicant's consent, requests that the opposition be withdrawn with prejudice.

### CONCLUSION

Applicant respectfully requests that this request to amend the application be granted in its entirety.

Dated: July 31, 2014

Respectfully submitted,

EDMONDS & NOLTE, P.C.  
*Attorneys for Applicant*

By: 

Robb D. Edmonds, Esq.  
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CONSENTED TO:

COWAN, LIEBOWITZ & LATMAN, P.C.  
*Attorneys for Opposer*

By: 

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Don M. Obert, Esq.  
1133 Avenue of the Americas  
New York, New York 10036  
212-790-9200

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on July 31, 2014, I caused a true and complete copy of the foregoing *Motion on Consent to Amend Application and, If Accepted, To Withdraw the Opposition With Prejudice* to be sent by First Class Mail, postage pre-paid, to Applicant's Attorney and Correspondent of Record, Robb D. Edmonds, Edmonds & Nolte PC, 2625 Bay Area Blvd., Ste. 530, Houston, Texas 77058.

Dated: New York, New York  
July 31, 2014

/Aryn M. Emert/  
Aryn M. Emert